

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
SEPTEMBER 22, 2010

REGULAR MEETING

Darien Town Hall - Room 206 – 7:48 to 10:20 PM

ZBA members present: Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne,
and Anthony Simari

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy
Fazekas

ZBA Chair Vic Capellupo opened the meeting at 7:48 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued from the September 15, 2010 meeting with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 43-2010 - The application of Oscar Guidoli on behalf of Jeff & Cathryn Nelson filed on June 23, 2010 for a variance of Section 825d6 of the Darien Zoning Regulations, to allow the existing basement to remain with substantial improvements to the residence structure; Section 825d6: maintenance of existing basement space at 11.25 in lieu of 15.0 feet minimum required floor elevation. The property is situated on the south side of Renshaw Road approximately 300 feet west of the intersection of Renshaw Road and Boston Post Road and is shown on Assessor's Map #41 as Lots #87 and 88, being 23 Renshaw Road and located in an R-1/3 (residential) Zone.

Jeff Nelson answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 51-2010 - the application of Renato Gasparian on behalf of Dale & Lauren Cheney filed on August 18, 2010 for an interpretation of Section 385 and

variances of Sections 334 and 406 of the Darien Zoning Regulations to allow the construction of a replacement two and one half story residence. Section 385: a determination that the subject lot is a legal nonconforming building lot with 75.0 in lieu of 80.0 feet minimum required lot width, and can be properly developed with adequate related site improvements; Section 334: construction on a building lot with 75.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the east side of Edgerton Street approximately 300 feet north of the intersection of Edgerton Street and Edgerton Court and is shown on Assessor's Map #21 as Lot #151, being 23 Edgerton Street and located in an R-1/3 (residential) Zone.

Renato Gasparian and Richard Bennett answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Mike Fram questioned drainage aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 52-2010 - the application of Robin Gestal on behalf of Positive Properties filed on August 18, 2010 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of second story addition and a deck; Section 406: 10.0 in lieu of 13.5 feet minimum required side yard setback. The property is situated on the west side of Dubois Street approximately 350 feet south of the intersection of Dubois Street and Laforge Road and is shown on Assessor's Map #45 as Lot #81, being 67 Dubois Street and located in an R-1/3 and R-1/5 (residential) Zone.

Robin Gestal answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Margaret Rague questioned various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 53-2010 - the application of Jeffrey McDougal and William W. Seymour & Associates on behalf of Raymond & Laura Bartone filed on August 18, 2010 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of a second story addition; Section 406: 27.3 in lieu of 30.0 feet minimum required front yard setback and 4.7 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the northwest side of Crimmins Road approximately 800 feet east of the intersection of Crimmins Road and Dickinson Road and is shown on Assessor's Map #41 as Lot #110, being 36 Crimmins Road and located in an R-1/3 (residential) Zone. Jeff McDougal answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 55-2010 - the application of Nancy Dietlin and Al Filippone Associates on behalf of Tom Golden & Dwight Collins filed on August 18, 2010 for variances of Sections 923.1a and 923.1c of the Darien Zoning Regulations, to allow the installation of two awning signs; Section 923.1a: 30 in lieu of 12 inches maximum projection of the wall signs from the face of the building; and Section 923.1c: 3 in lieu of 1 maximum wall sign. The property is situated on the northwest side of Boston Post Road opposite the

intersection of Boston Post Road and Corbin Drive and is shown on Assessor's Map #73 as Lot #8, being 1063 Boston Post Road and located in the CBD (commercial) Zone. Nancy Dietlin answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 56-2010 - the application of Gleason & Associates and AGF Associates on behalf of Mini of Fairfield County filed on August 18, 2010 for variances of Sections 923.1, 926.1, 926.4 and 926.2 of the Darien Zoning Regulations, to allow the installation of two wall signs and a pole sign; Section 923.1: 17 3/16 for the support poles and approximately 16 for the wall sign panels in lieu of 12 inches maximum projection from the face of the building; 14 5/8 in lieu of 10 inches maximum letter height, and 16 1/4 in lieu of 10 inches maximum figure/logo height for the "Mini of Fairfield County" wall sign; 11 in lieu of 10 inches maximum letter height and maximum figure/logo height for the "Service" wall sign; 81 in lieu of 43.33 maximum allowable square feet for the "Mini of Fairfield County" sign; 20.7 in lieu of 8.67 maximum allowable square feet for the "Service" sign, and 101.7 in lieu of 52.0 total maximum allowable square feet for the wall signs; Section 926.1: internal illumination where none is permitted for the "Mini of Fairfield County" sign; Section 926.4: 2 in lieu of 1 maximum wall sign; and Section 926.2: 38.6 in lieu of 18 square feet maximum per side, and 9 in lieu of 25 feet minimum front yard setback for the pole sign. The property is situated on the southeast side of Boston Post Road approximately opposite the intersection of Boston Post Road and Richmond Drive and is shown on Assessor's Map #32 as Lot #8, being 154 Boston Post Road and located in an SB-E (commercial) Zone.

Wilder Gleason, Charles Napolitano, and Larry Davidoff answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. It was noted that due to plan revisions the requested variances for internal illumination and the "Service" sign have been withdrawn. The Public Hearing was then closed.

CALENDAR NO. 57-2010 - the application of Mr. Thomas Toepke and on behalf of 205 Post Road Development Partners, LLC filed on August 18, 2010 for variances of Sections 674b, 675, 904h, and 926.2 of the Darien Zoning Regulations, to allow the construction of a drive thru restaurant with stair platform and railing, HVAC and generator/transformer equipment, and the installation of a pole sign; Section 674b: to allow a restaurant use with 0 square feet indoor space devoted to customer tables and seating in lieu of 1,200 square feet minimum required; Section 675: 26.6 in lieu of 30.0 feet minimum required front yard setback for the stair platform; 25.0 in lieu of 30.0 feet minimum required front yard setback for the HVAC and generator/transformer equipment; Section 904h: 4 in lieu of 5 minimum required parking spaces; and Section 926.2: 13.5 in lieu of 30.0 feet minimum required front yard setback for the pole sign. The property is situated on the northwest side of Boston Post Road at the southwest corner formed by the intersection of Boston Post Road and Richmond Drive and is shown on Assessor's Map #13 as Lot #6, being 205 Boston Post Road and located in an SB-E (commercial) Zone.

Thomas Toepke and Wilder Gleason answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 43-2010 - The application of Oscar Guidoli on behalf of Jeff & Cathryn Nelson, 23 Renshaw Road. Upon a motion by Jeff Williams, seconded by Anthony Simari, the ZBA voted 5-0 to GRANT WITH A STIPULATION the above delineated, requested variance. Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne, and Anthony Simari voted in favor of the motion.

CALENDAR NO. 51-2010 - The application of Renato Gasparian on behalf of Dale & Lauren Cheney, 23 Edgerton Street. Upon a motion by Al Tibbetts, seconded by John ashburne, the ZBA voted 5-0 to GRANT the above delineated, requested interpretation and variances. Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne, and Anthony Simari voted in favor of the motion.

CALENDAR NO. 52-2010 - The application of Robin Gestal on behalf of Positive Properties, 67 Dubois Street. Upon a motion by Anthony Simari, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne, and Anthony Simari voted in favor of the motion.

CALENDAR NO. 53-2010 - The application of Jeffrey McDougal and William W. Seymour & Associates on behalf of Raymond & Laura Bartone, 36 Crimmins Road. Upon a motion by John Ashburne, seconded by Anthony Simari, the ZBA voted 5-0 to GRANT the above delineated, requested variances. Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne, and Anthony Simari voted in favor of the motion.

CALENDAR NO. 55-2010 - The application of Nancy Dietlin and Al Filippone Associates on behalf of Tom Golden & Dwight Collins, 1063 Boston Post Road. Upon a motion by Al Tibbetts, seconded by John Ashburne, the ZBA voted 2-3 to Grant the above delineated, requested variances. Al Tibbetts and John Ashburne voted in favor of the motion. Vic Capellupo, Jeff Williams, and Anthony Simari were opposed to the motion. State of Connecticut Statutes require a super majority of 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore this request is DENIED.

CALENDAR NO. 56-2010 - The application of Gleason & Associates and AGF Associates on behalf of Mini of Fairfield County, 154 Boston Post Road. Upon a motion by Al Tibbetts, seconded by Anthony Simari, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne, and Anthony Simari voted in favor of the motion.

CALENDAR NO. 57-2010 - The application of Mr. Thomas Toepke and on behalf of 205 Post Road Development Partners, LLC, 205 Boston Post Road. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances with an expiration date of September 7, 2011. Vic Capellupo, Al Tibbetts, Jeff Williams, John Ashburne, and Anthony Simari voted in favor of the motion.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 3-2010, Faesy-Smith Architects on behalf of Tom & Shepard Halsch, 2 Juniper Road. Upon a motion by Al Tibbetts, seconded by Jeff Williams, the ZBA voted 5-0 to GRANT a six month extension.

Requested extension to obtain all required permits and begin on-site construction for ZBA Calendar No. 1-2010, Foster Kaali-Nagy, 70 Five Mile River Road. Upon a motion by John Ashburne, seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT an extension to June 8, 2011.

The meeting was adjourned at 9:55 PM.

Respectfully submitted September 27, 2010,
by Robert Woodside,
Code Compliance Officer
ZBA Staff